

Application No. 10/777,163
Response to Restriction Requirement mailed June 8, 2005

REMARKS

Restriction

In the restriction requirement mailed June 8, 2005, the Examiner indicated that there were three Groups of claims: Group I (claims 1-33); Group II (claims 34-36) and Group III (claim 37). With respect to the claims of Groups I & II, the Examiner indicated that "[T]he combination as claimed does not require the tray to include a plurality of passages. The subcombination has separate utility as a drying rack for freshly painted panels". The Examiner further indicated that the claims of groups I & III would be considered together, as would the claims of groups II & III.

Applicants traverse the restriction requirement. However, to expedite consideration of all the claims, independent claim 34 has been amended to recite 'a plurality of passages'. Therefore, the Examiner's objection to considering Groups I & II together has been overcome. And since all three pairwise groupings are allowed, it is believed that the claims of all three groups may be considered together.

In addition, claim 1 has been amended to include the limitations of claim 7, and claim 7 has been canceled. It is believed that this change does not impact the restriction requirement.

Species Election

In the June 8, 2005 restriction requirement, the Examiner identified the following four "patentably distinct species of the claimed invention" and linked them with the figures as follows:

Species A: Figures 1, 1A, 2 and 11

Species B: Figures 3, 4 and 12

Species C: Figures 5, 6, 9 and 13

Species D: Figures 7, 8 and 14

The Examiner also asked Applicants to: (a) identify which claims belong to which species; and (b) select a single species for prosecution in the application, in case no generic claim was allowed. The Examiner also noted that "[c]urrently, at least claim 1 and 34 are generic."

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At the outset, it is noted that some of the claims may incorporate features found in different figures. It is further understood that features found in one figure may be employed in conjunction with other features found in another figure. To expedite prosecution, however, Applicants assign the claims to the various species as follows:

Species A; Figures 1, 1A, 2 and 11

Claims 1-2, 6, 8-12, 17-22, 24-26, 28-30, 32, 34-37

Species B; Figures 3, 4 and 12

Claims 1, 23, 27, 34

Species C; Figures 5, 6, 9 and 13

Claims 1, 3-5, 13-16, 31, 34

Species D; Figures 7, 8 and 14

Claims 1, 23, 33, 34

Applicants elect the claims of "Species A" for examination in the present application in the event that no generic claim is allowed.

No fee is believed to be due for this submission. Should a fee be required, the Director is authorized to charge any such fee to Womble Carlyle's Deposit Account No. 09-0528.

Respectfully submitted,

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